

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2655

AN ACT

AMENDING SECTION 16-957, ARIZONA REVISED STATUTES; RELATING TO THE CITIZENS
CLEAN ELECTIONS ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 16-957, Arizona Revised Statutes, is
4 amended to read:

5 16-957. Enforcement procedure; time limits

6 A. THE COMMISSION MAY ACT ON A COMPLAINT REGARDING A CANDIDATE ONLY IF
7 IT IS FILED BY A PERSON AS PRESCRIBED IN SUBSECTION C OF THIS SECTION, AND NO
8 OTHER PERSON HAS STANDING TO INITIATE ANY ACTION BY THE COMMISSION. THE
9 COMMISSION SHALL INVESTIGATE BOTH THE PERSON WHO IS THE SUBJECT OF THE
10 COMPLAINT AND THE PERSON FILING THE COMPLAINT. THE COMMISSION SHALL EXAMINE
11 BOTH PARTIES TO THE COMPLAINT TO THE SAME LEVEL OF DETAIL AND SHALL USE THE
12 SAME STANDARD OF REVIEW IN MAKING ITS FINDINGS. If the commission finds that
13 there is reason to believe that a person has violated any provision of this
14 article, the commission shall serve on that person an order stating with
15 reasonable particularity the nature of the violation and requiring compliance
16 within fourteen days. During that period, the alleged violator may provide
17 any explanation to the commission, comply with the order, ~~or~~ or enter into a
18 public administrative settlement with the commission.

19 B. Upon expiration of the fourteen days, if the commission finds that
20 the alleged violator remains out of compliance, the commission shall make a
21 public finding to that effect and issue an order assessing a civil penalty in
22 accordance with section 16-942, unless the commission publishes findings of
23 fact and conclusions of law expressing good cause for reducing or excusing
24 the penalty. The violator has fourteen days from the date of issuance of the
25 order assessing the penalty to appeal to the superior court as provided in
26 title 12, chapter 7, article 6.

27 C. ~~Any~~ ONLY A candidate in a particular election contest who believes
28 that any opposing candidate has violated this article for that election may
29 file a complaint with the commission requesting that action be taken pursuant
30 to this section. If the commission fails to make a finding under subsection
31 A of this section within thirty days after the filing of such a complaint,
32 the candidate may bring a civil action in the superior court to impose the
33 civil penalties prescribed in this section. IF THE COMMISSION DOES NOT MAKE
34 A FINDING WITHIN THIRTY DAYS OF THE FILING OF THE COMPLAINT AND THE CANDIDATE
35 DOES NOT FILE A CIVIL ACTION WITHIN THIRTY-FIVE DAYS AFTER THE FILING OF THE
36 COMPLAINT, THE COMPLAINT IS DEEMED CLOSED AND DISMISSED AND ANY SUBSEQUENT
37 COMPLAINT ON THE SAME FACTS IS PRECLUDED.

38 D. ANY COMPLAINT TO THE COMMISSION SHALL BE FILED WITHIN ONE YEAR
39 AFTER THE DATE OF THE ALLEGED VIOLATION AND A COMPLAINT SHALL NOT BE
40 CONSIDERED BY THE COMMISSION IF IT IS FILED MORE THAN ONE YEAR AFTER THE DATE
41 OF THE ALLEGED VIOLATION.

1 Sec. 2. Requirements for enactment: three-fourths vote
2 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
3 section 16-957, Arizona Revised Statutes, as amended by this act, is
4 effective only on the affirmative vote of at least three-fourths of the
5 members of each house of the legislature.